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SHAHID BUTTAR FOR CONGRESS COMMITTEE and  
SHAHID BUTTAR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHAHID BUTTAR FOR CONGRESS  
COMMITTEE and SHAHID BUTTAR, an  
individual;

*Plaintiffs,*

vs.

HEARST COMMUNICATIONS, INC., a  
Delaware corporation; and DOES 1  
through 5;

*Defendants.*

CASE NO. 3:21-cv-05566-EMC

**DECLARATION OF GAUTAM DUTTA IN  
OPPOSITION TO  
DEFENDANT'S MOTION TO  
DISMISS AND SPECIAL  
MOTION TO STRIKE**

Hearing Date: Dec. 15, 2022, 1:30 pm

JUDGE: Hon. Edward M. Chen

COURTROOM: 5 – 17<sup>th</sup> Floor

1. I serve as Plaintiffs' counsel in this case. I have personal knowledge of the matters stated in this Declaration, and I could and would competently testify to them if called as a witness.
2. I have attached, as **Exhibits 1 through 3**, true and correct copies of the following documents:

<u>Exhibit No.</u>	<u>Document Description</u>
1	The Nexis version of Joe Garofoli's article, entitled "Pelosi's foe denies sex-harass allegation; Shahid Buttar, Nancy Pelosi's opponent, accused of sexual harassment", that was published in the print edition (p. B4) of the July 22, 2020 <i>San Francisco Chronicle</i>
2	The Nexis version of Joe Garofoli's article, entitled "Activists defend accused Pelosi rival; Longtime activists defend Pelosi foe Shahid Buttar against sex harassment allegations", that was published in the print edition (p. B1) of the July 25, 2020 <i>San Francisco Chronicle</i>
3	Akala Lacy's article, entitled "Progressives Wrestle With How to Address Allegations of Mistreatment in San Francisco Race and regarding Plaintiff Shahid Buttar and his campaign, that was published online on Sept. 25, 2020 in the <i>Intercept</i> , available at <a href="https://theintercept.com/2020/09/25/progressives-wrestle-with-how-to-address-allegations-of-mistreatment-in-san-francisco-race/">Progressives Wrestle With How to Address Allegations of Mistreatment in San Francisco Race (theintercept.com)</a> (last visited Jan. 18, 2022)

I declare under penalty of perjury that the foregoing is true and correct. Executed on Oct. 21, 2022.

By: /s/ Gautam Dutta

GAUTAM DUTTA

## **EXHIBIT 1**

# **Pelosi's foe denies sex-harass allegation; Shahid Buttar, Nancy Pelosi's election opponent, accused of sex harassment**

The San Francisco Chronicle (California)

July 22, 2020 Wednesday

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Section: Main News; Pg. B4

Length: 691 words

Byline: By Joe Garofoli

## **Body**

A woman who said she has known San Francisco congressional candidate Shahid Buttar for nearly 20 years is accusing him of repeatedly sexually harassing her.

Elizabeth Croydon, a comedian, artist and filmmaker, wrote in a Medium post published Tuesday that Buttar harassed her starting when they both lived in Washington, D.C., in 2003, and continued to do so over several years.

Buttar is challenging House Speaker Nancy Pelosi, a fellow Democrat, for the San Francisco seat she has held since 1987. He is a democratic socialist who says Pelosi is insufficiently progressive.

"We on the left must hold ourselves to a higher standard as we are committed to creating a just and equitable world, free from sexual misconduct, misogyny and bullying," Croydon wrote. "The left can do better than Shahid Buttar."

Buttar said Croydon's accusations "are false."

"Every survivor must be heard, and I hope to be allowed the same opportunity to be heard as well," Buttar, an attorney and activist, said in a statement. "Sexual harassment is despicable. Those who exploit structural sexism and power imbalances must be exposed. I am committed to putting survivors' interests before my own."

The San Francisco chapter of the Democratic Socialists of America is considering rescinding its endorsement of Buttar in response to Croydon's charges.

"Sexual harassment and gender discrimination are antithetical to the principles of democratic socialism, and are issues that DSA San Francisco takes seriously," Yuhe Faye Wang, co-chair of the organization's steering committee, said in an email to The Chronicle. Wang said the group is "in the process of gathering information" and would not comment further until it takes up the issue Aug. 4.

Buttar said, "I invite their examination of the issues and our campaign welcomes any scrutiny."

Efforts to reach Croydon on Tuesday evening were unsuccessful.

Croydon, who has appeared on NBC's "The Tonight Show" and "Last Comic Standing," wrote that she first met Buttar in 2003 in Washington, when he lived "in a communal home which served as a hub for freelance opportunities in activism and the arts." She said she went there to "network and see other artists despite the fact that Shahid consistently made me feel uncomfortable."

She wrote that Buttar "repeatedly pursued me for sex."

"I physically distanced myself from him at parties, turned down invitations, informed a friend I felt uncomfortable, avoided being alone with him, and eventually stopped going to the communal home until he moved out," Croydon wrote. "Shahid let me know he was sexually available to me for years."

Croydon said one incident that happened a decade later was "intimately embarrassing and traumatic for me to talk about." After a poetry performance, she wrote, she and Buttar gathered with a group of people to catch up. One friend asked everyone when was the last time they had sex, and Croydon said she had been celibate for years, she wrote.

"Shahid's response shocked and embarrassed me," Croydon wrote. "'Oh, my god, that is way too long! How can you go without sex that long? That's insane! I couldn't do it, you poor thing. It must be so hard.'"

Croydon wrote that she had replied that her "celibacy was a voluntary decision because it helped me cope with surviving sexual assaults, batteries and other misconduct. I felt degraded, nauseated, and revolted that he would mock me in front of friends who looked to me as an outspoken voice for women."

In addition to the Democratic Socialists of America, the pro-Bernie Sanders group SF Berniecrats has endorsed Buttar in his race against Pelosi. On Tuesday, the group said it was reviewing Croydon's accusations.

There were other signs that San Francisco progressives were backing away from Buttar. Supervisor Dean Preston pulled his name off Buttar's website after his November election opponent, Vallie Brown, said Buttar's alleged conduct "absolutely disqualifies himfor office."

"These allegations are deeply disturbing. As soon as I learned of them, I signed a ... petition to unendorse him, and immediately had my name taken off Shahid's website," Preston said in a statement to The Chronicle.

## **EXHIBIT 2**

# **Activists defend accused Pelosi rival; Longtime activists defend Pelosi foe Shahid Buttar against sex harassment accusations**

The San Francisco Chronicle (California)

July 25, 2020 Saturday

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Section: Main News; Pg. B1

Length: 549 words

Byline: By Joe Garofoli

## **Body**

Supporters of Shahid. Buttar, the November election opponent of House Speaker Nancy Pelosi, are rallying around him after an East Coast comedian accused him of sexually harassing her on and off for years starting nearly two decades ago.

A Medium post published this week by Maryland resident Elizabeth Croydon "attempted to draw a different picture of Shahid, than the one we know to be true," several progressive activists in the Washington area, where Buttar used to live, said in an open letter.

"Shahid. stands for peace, justice, and democracy. He embodies anti-oppression principles and has a demonstrated record of practices that promote equity and inclusion," said the signers, who include Code Pink cofounder Medea Benjamin, a well-known former Bay Area activist who now lives in the Washington area.

Croydon wrote that Buttar pursued her for sex and mocked her when she said she had been celibate for several years by choice. She wrote that "we on the left must hold



ourselves to a higher standard as we are committed to creating a just and equitable world, free from sexual misconduct, misogyny and bullying."

Two progressive groups that have endorsed Buttar in his campaign to deny Pelosi re-election to her San Francisco seat said they were investigating Croydon's accusations. San Francisco Supervisor Dean Preston pulled his endorsement of Buttar, a democratic socialist activist and attorney.

Buttar said Croydon's charges are false.

"Sexual harassment is despicable," Buttar said. "Those who exploit structural sexism and power imbalances must be exposed. I am committed to putting survivors' interests before my own."

He added, "Every survivor must be heard, and I hope to be allowed the same opportunity to be heard as well."

The accusations against Buttar don't ring true to some in the Washington activist community who say they know both him and Croydon.

"It's totally out of character. There's nothing mean or nasty about him," Benjamin told The Chronicle. "He wouldn't insult women like that."

Benjamin said Buttar "is one of these guys who is politically correct in so many ways. I know him as someone who is a feminist, who is very much against the patriarchy and calls people out on it. He's very careful about how he talks about women. He's very politically evolved."

Polly Miller, who worked with Buttar on an anti-police-brutality campaign several years ago, said in an interview, "He worked with Code Pink. It's all women."

Croydon's depiction of Buttar, she said, "did not match anything I ever saw."

Pat Elder, a longtime activist and journalist who has worked with Buttar on a half-dozen wealth inequality and antiwar campaigns, said he "could not imagine Shahid. carrying on like that. I respect the man and his intellect and his character."

Croydon said Friday in an email that the open letter was part of a "smear" campaign against her.

"Spending campaign time and resources on discrediting a sexual harassment survivor by essentially calling me crazy is the oldest trick in the abuser's playbook," she wrote.

In an interview, she added that "no one can speak to my direct experience of Shahid."

"I wanted to come forward about this much earlier, but I was terrified to do so," Croydon said. "People can hold their opinions, but they can't speak to my direct experience."

## **EXHIBIT 3**

**The  
Intercept\_**

# **PROGRESSIVES WRESTLE WITH HOW TO ADDRESS ALLEGATIONS OF MISTREATMENT IN SAN FRANCISCO RACE**

A fierce debate over Shahid Buttar's congressional campaign has divided leftist organizations along increasingly hardened lines.

Akela Lacy

September 25 2020, 12:57 p.m.

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Shahid Buttar is running for election to the U.S. House to represent California's 12th Congressional District, trying to unseat Speaker of the House Nancy Pelosi. Photo: Santiago Mejia/The San Francisco Chronicle/Getty Images

A fierce debate over the congressional campaign of Shahid Buttar is roiling San Francisco's Bay Area progressive circles, dividing clubs and leftist organizations along increasingly hardened lines. A fight that began with unsupported accusations of sexual harassment, as well as claims of misogyny and sexism, has shifted to a debate over how voters and activist groups ought to consider accusations of the mistreatment of staff by a boss under fire from former aides.

The battle broke into the open in July, when two types of allegations combined to turn the longshot bid of Buttar, an activist and attorney who is challenging House Speaker Nancy Pelosi, into a left-wing Rorschach test. The claims were unrelated, but were put forward together as part of the same case being made by critics of Buttar. The first was an allegation of sexual harassment in the early aughts by a former acquaintance, Elizabeth Croydon. The allegation remains uncorroborated, her credibility called into serious question. That allegation gave fuel to the second, unrelated charge that Buttar mistreated his staff, particularly the women. He has fiercely defended himself, denying the

accusations and suggesting that they were racist and politically motivated, reflect a hostility to his campaigning strategy, and were the product of a smear campaign by his former staffers.

The allegations led to a string of Buttar's former supporters backing away from him and spurred a broader conversation about the internal dynamics of the progressive movement. Buttar's defenders warn that ending his campaign on the basis of staff complaints hands a weapon to the establishment that will be wielded relentlessly against insurgent candidates and movements, while his critics say that the movement can't be successful unless it is led with integrity and respect.

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The saga has left the Buttar campaign in ruins, but it has also left progressives with vexing questions about how to handle allegations against a candidate during the heat of a campaign when every day matters, while also respecting the right of victims to come forward and be heard. Campaigns are only likely to see more such situations in years ahead, some based on legitimate and damning claims of misconduct, some in a gray area, and some fabricated and boosted for political gain. In August, former staff to Massachusetts congressional candidate Ihssane Leckey alleged staff mistreatment and successfully persuaded the Boston Democratic Socialists of America to unendorse. Before they could do so, Leckey rejected the group's endorsement, accusing the group of traf-

ficking in sexist and anti-immigrant tropes. Around the same time, College Democrats in Massachusetts accused candidate Alex Morse of misconduct, charges that were later revealed to have been cooked up as part of a scheme to curry favor with incumbent Rep. Richie Neal. For nearly a week, however, the charges were treated publicly as legitimate and left a mark on Morse's campaign. None of it is symmetrical: When Tara Reade alleged that Democratic presidential candidate Joe Biden had sexually assaulted her while she worked in his Senate office, many Biden supporters, or opponents of President Donald Trump, dismissed the allegation out of hand. Others showed restraint, delaying judgment until more information was available. And with Trump, there is credible-allegation fatigue: Just recently, Trump was credibly accused of sexual assault, an allegation met with a national yawn.

The debate over Buttar's campaign was prompted by a draft resolution circulated by the San Francisco chapter of the DSA, or DSA SF, in late July, moving to rescind the chapter's endorsement and calling on Buttar to participate in a restorative justice process within the chapter, of which he and several of his current and former staffers were members. The draft resolution accused Buttar of "a pattern of abuse including but not limited to sexual inappropriate behavior with his staff and volunteers." The effort was covered in the San Francisco Chronicle, Mission Local, and later, The Intercept, which reported on claims of misogyny and sexism from a number of Buttar's former staff and contractors. The DSA SF draft resolution led to other local political groups also reconsidering their endorsements of the candidate, a process that has fractured San Francisco's leftist circles, according to several people who spoke to The Intercept. Attacks online and in private meetings have driven those on both sides to take caution with what they say publicly about the campaign for fear of alienating longtime friends and colleagues.

DSA SF ultimately passed a resolution in a virtual meeting on August 4 that stripped out the accusations regarding Buttar's mistreatment of

staff and the alleged sexual misconduct. The amended resolution said simply that DSA SF had “lost confidence in the management” of Buttar’s campaign “and in Shahid Buttar as a candidate that represents our values.”

Earlier that day, Jasper Wilde, Buttar’s former campaign manager, had written in a Medium post, that his campaign “end[ed] due to allegations of sexual assault.” The post has since been edited to replace “assault” with “harassment.” Wilde said it was a mistake, and she changed the post after it was brought to her attention.

Wilde was one of a number of former staff and contractors on Buttar’s campaign who spoke to The Intercept in July, accusing their former boss of mistreating the women on his campaign. “I can vouch for the culture of misogyny that existed in the campaign,” said Raya Steier, a former full-time field organizer for Buttar’s campaign and member of DSA SF.

Those former staffers and contractors remain steadfast in their conviction that Buttar treated women on the campaign unfairly, and the fallout continued throughout the rest of the summer. “The irresponsible media reports amplifying ultimately baseless accusations about me triggered grave concern among our supporters, including our donors, cam-

**The Buttar saga has left progressives with vexing questions about how to handle allegations against a candidate during the heat of a campaign, while also respecting the right of victims to come forward and be heard.**



paign staff, and volunteers,” Buttar said in a statement to The Intercept. “Every political organization that had endorsed our campaign ... and several prominent local leaders, including elected members of our School Board and Board of Supervisors, rescinded their endorsements.”

“Organizations that claim to be progressive or socialist while embodying institutional racism owe their members a more sincere commitment to their own principles,” he added. “On the other hand, while I have been the target of these baseless accusations, the ultimate victim is the movement, and the goals of universal healthcare and climate justice that our campaign seeks.”

DSA SF’s initial resolution, organized by Buttar’s former staffers who had accused him of workplace mistreatment, came after they had learned that Croydon posted a tweet on July 12 accusing Buttar of sexually harassing her, they told The Intercept. According to former staffers and members of groups that unendorsed him, after Croydon went public, former staffers who are DSA members began sharing complaints with the group about their time working on Buttar’s campaign. Some staffers had previously shared those concerns in private. At least one former staffer reached out to Croydon after the tweet to ask about the accusation. On July 21, Croydon published an account of her accusations against Buttar on Medium.



Related

**Shahid Buttar’s Bid to Unseat Nancy Pelosi Roiled by Accusations of Staff Mistreatment (Updated)**

A volunteer who has been with the campaign since February said the allegations from Croydon pushed staffers to reexamine their own experi-

ences with Buttar, harming the broader leftist movement in the Bay Area.

“There is a lack of fact-checking among leftist circles in the Bay Area, media outlets notwithstanding, that allow rumor mills to run rampant and devastate the infrastructure supporting these circles and that to which they propose allegiance,” the volunteer told The Intercept. The volunteer said that Croydon’s allegations led to “a small handful of female staffers on the Buttar campaign to reexamine their experiences with Buttar along gendered lines, despite the fact that these experiences with Buttar were not a uniquely female experience.”

Yet Croydon’s claims have not been borne out. The Intercept was not able to corroborate Croydon’s allegations and has interviewed multiple sources who recounted having disturbing interactions with her that caused them to question her credibility. Buttar has denied the allegations from Croydon, who claimed that Buttar verbally harassed her about celibacy and pressed himself against her at a party. Croydon’s former roommate, however, Stacey Haines, told The Intercept that the accusation sounded remarkably familiar, as it was actually Haines who went through a period of celibacy and was mocked and harassed by Croydon for doing so. Croydon, Haines said, appeared to be taking behavior she herself had engaged in and imputing it to Buttar. (Croydon denied Haines’s account to The Intercept. “That’s not accurate,” Croydon said. “She can allege whatever she likes. Everyone has something to gain by taking potshots at me. I’ve put myself in a very vulnerable position, and I have nothing to gain by coming forward.”)

Buttar’s campaign has claimed that the initial DSA SF resolution was the product of a smear campaign coordinated by some of his former staffers, citing text messages between a former staffer and a campaign volunteer. In the texts, provided to The Intercept, a former staffer asked the volunteer about an incident in which Buttar had asked a staffer to

give the volunteer's phone number to a donor, indicating that they had heard the volunteer felt uncomfortable, and asked if that were true. The volunteer said the story was false and asked the staffer to alert others. "I think some info is getting misconstrued," they said. "That's a false story and I don't know who is pedaling it but I'm telling you it's false and now it's your responsibility to alert everyone that you said otherwise to that it is not the case. ... Keep me out of this smear campaign for real. Other people's experiences are their experiences and I can't speak for Shahid's conduct toward other people but THIS scenario [a former staffer] is talking about is downright her misunderstanding."

"I'm so so sorry for this confusion," the staffer replied. "I was told story by two people and believed it to be true but after talking to you realized there were missing key [details.] the story was brought up without your name just anonymous but will make sure to correct record on this particular event." The staffer apologized and said they would communicate that it was not true.

Buttar referred to those text messages in an August 13 interview with the Humanist Report, saying that volunteers had emerged "with back-stories claiming to have been approached by my former colleagues to participate in their — I don't even know what to call it. The volunteers have words of their own. One of them shared some texts that were very alarming to me to read."

He later told The Intercept that the texts "demonstrate that my former staff acted in bad faith when they wrote the DSA resolution quoted in your July story," adding that the resolution refers to an alleged pattern of misconduct based on a rumor started by one of his former staffers. The draft DSA resolution did make reference to volunteers, alleging "a pattern of abuse including but not limited to sexual inappropriate behavior with his staff and volunteers."

## **The text messages do show that the former staff with complaints about Buttar tried to gather testimonies from others involved with the campaign**

Buttar's former staffers and DSA members who spoke to The Intercept about the resolution in July, however, claim the allegation surrounding the request of the volunteer's phone number was not ultimately part of the resolution put forward to DSA SF members, because the volunteer had squashed it, implying that other allegations that have not been made public were also in-

involved. The ability of the press, the public, and members of progressive groups to adjudicate or analyze allegations is complicated by a situation in which the decision-making process included accusations that were made privately but not presented to Buttar or the general membership of the groups. Buttar said he was allowed to speak in his own defense at a meeting on July 22, but not again later in August when the DSA debated the motion to rescind and that he never had a chance to address any specific allegations. "As different allegations were debunked, the accusations also shifted repeatedly over the course of the past two months," he said.

The text messages do show that the former staff with complaints about Buttar tried to gather testimonies from others involved with the campaign — a common organizing strategy in situations like this that is not itself an indication of whether the allegations have merit.

In the days and weeks that followed DSA SF's unendorsement vote, a handful of other progressive groups in the Bay Area quietly withdrew their support for the candidate, including the San Francisco Tenants'

Union, DSA Silicon Valley, the Progressive Democrats of San Francisco, Youth for Shahid, People for Shahid, the DSA Muslim Caucus, the California Youth Climate Strike, and r/SandersForPresident, a subreddit group for supporters of Sen. Bernie Sanders.

Buttar's current staff and his allies argue that the complaints are the product of disgruntled staff upset that their strategy for the campaign was rejected. The People for Bernie Sanders, the California Progressive Alliance, Bernal Heights Democratic Club, Bay Area for Bernie, Women for Justice, Left Flank Vets, Our Revolution's East Bay and Contra Costa chapters, New Avenues Democratic Club, and the Public Arts Commission are all still endorsing Buttar's campaign. He is also endorsed by a number of national activists, like Cornel West, Marianne Williamson, and Medea Benjamin, and local activists like Gladys Limon and Miriam Zouzounis.

Zouzounis, a longtime activist in San Francisco who endorsed Buttar last year, told The Intercept that "shame culture" and "privilege politics" are "par for the course" of electoral politics in the Bay Area. She also suggested that the criticisms of Buttar were part of local "hierarchies of privilege" manipulated by the "white progressive camp." (Several of Buttar's former campaign workers who accused him of mistreating them on the campaign are people of color.) "I'm not trying to undermine anyone's subjective experience, obviously. I'm not here to speak on the accusations themselves, but just how they're placed is very convenient to the kind of M.O. of the white progressive culture out here," she explained. "The white progressive agenda doesn't care about those impacted by national security politics."

Gloria Berry, a Buttar ally who is a member of the San Francisco Democratic County Central Committee

**"I'm not here to speak on the accusations"**

and a Black Lives Matter activist, has charged the former staff with engaging in racist tropes. “They were a campaign staff that was not up to the challenge he needed, and he has a much better staff now,” she wrote on Medium, where much of the debate has played out, in

early August. “The Democratic Socialists of America San Francisco are about to ruin the political career of a Brown Muslim man based on no evidence at all because a bunch of mediocre Karens complained he was mean to them.” In an interview with The Intercept, Berry reiterated her support for Buttar. “I never heard of him mistreating women,” she said.

One of Buttar’s current campaign communications volunteers, Patricia Brooks, said claims from former staffers were coordinated and racist. “I sat in on many of the local club meetings and observed the interactions. My assessment is that there is a large group think exercise going on in the San Francisco progressive community, and it is based on smoke and mirrors of a bunch of exaggerated claims,” Brooks, an unpaid volunteer based in Washington, D.C., who joined the campaign on a remote basis on May 1, said in a statement to The Intercept.

The allegations against Buttar came midway between the primary and general election, a critical juncture for an insurgent candidate who has been tremendously outraised. In Leckey’s case, the fight over the DSA endorsement came just a few weeks before her primary, slowing her momentum, said Josh Miller-Lewis, a senior adviser on the campaign. “The whole faux-scandal hurt her. She gained real momentum in July and then had to spend a couple of weeks dealing with the DSA bullshit when she should have been getting some big endorsements and build-

**themselves, but just how they’re placed is very convenient to the kind of M.O. of the white progressive culture out here.”**



ing on the base she built,” he said, an effort that was made more difficult as her opponents “did a good job of weaponizing it quietly against Ihssane.” Leckey faded to fifth, as a conservative former Republican claimed the nomination with 22 percent of the vote.

Brandon Harami, chair of the group Berniecrats — which Buttar said is the only group that gave him a fair hearing and ultimately voted to downgrade its endorsement to a recommendation — said the allegations of staff mistreatment were not necessarily new. “I had known that he had a tendency to yell, and berate, and insult his staff since 2019, because I knew people that were on staff. They had asked me then at that time to not say anything because they weren’t comfortable coming forward with it, and they really wanted to beat Pelosi,” he said, adding that, in the end, “I just didn’t feel comfortable maintaining an endorsement of him when so many of his staff went out of their way to challenge it.”

But that doesn’t mean Harami is happy with how it all unfolded. “All this sucks. I hate it,” said Harami, who was part of a 2018 effort to get the state Democratic Party to repeal its endorsement of Pelosi. “I’m also wondering if it’s really the hill that the left needs to die on?”

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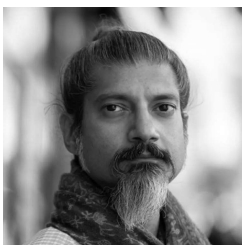
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